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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO.    |
|---|-------------|----------------------|---------------------|---------------------|
| 10/646,271  | 08/22/2003  | Jay D. Caplan        | 0010.0006           | 9460                |
| 29127   | 7590        | 02/09/2009           | EXAMINER            |                     |
| HOUSTON ELISEEVA<br>4 MILITIA DRIVE, SUITE 4<br>LEXINGTON, MA 02421 |             |                      |                     | ROZANSKI, MICHAEL T |
| ART UNIT  |             | PAPER NUMBER         |                     |                     |
| 3768  |             |                      |                     |                     |
| MAIL DATE   |             | DELIVERY MODE        |                     |                     |
| 02/09/2009  |             | PAPER                |                     |                     |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|   | Application No.     | Applicant(s)  |
|---|---------------------|---------------|
| <b>Response to Rule 312 Communication</b> | 10/646,271          | CAPLAN ET AL. |
|   | Examiner            | Art Unit      |
|   | MICHAEL T. ROZANSKI | 3768          |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

1.  The amendment filed on 31 January 2009 under 37 CFR 1.312 has been considered, and has been:

- a)  entered.
- b)  entered as directed to matters of form not affecting the scope of the invention.
- c)  disapproved because the amendment was filed after the payment of the issue fee.  
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.
- d)  disapproved. See explanation below.
- e)  entered in part. See explanation below.

/Eric F Winakur/  
Primary Examiner, Art Unit 3768